# ZONING COMMITTEE MINUTES WEDNESDAY, DECEMBER 12, 2007

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, December 12, 2007** in the Council Chambers, at 11:30 a.m.

The following members were present:

The Honorable Ivory Lee Young, Jr., Chair The Honorable Joyce Sheperd, Vice Chair The Honorable Carla Smith The Honorable Howard Shook The Honorable Anne Fauver The Honorable C. T. Martin,

The following member was absent:

#### The Honorable Natalyn Archibong

Others present at the meeting were: Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews and Jeffery Heymore, Law Department; Debi Stars; and members of the Public and Council staff.

- A. ADOPTION OF AGENDA
- B. APPROVAL OF MINUTES
- C. ORDINANCE FOR SECOND READING
- O7-O-2594 (1) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. (Held 12/12/07)

HELD

#### D. ORDINANCE FOR FIRST READING

O7-O-2590 ( 1) An Ordinance by Zoning Committee to rezone from the R-4

Z-07-116 (Single-Family Residential) District to the R-4B (Single-Family Residential) District, property located at 390

Maynard Terrace, SE, fronting approximately 98 feet on the east side of Maynard Terrace and approximately 299 feet on the south side of Marbut Avenue (An unimproved right-of-way).

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### D. ORDINANCE FOR FIRST READING

Depth: Varies

Area: Approximately 0.63 Acres

Land Lot: 178, 15th District, Dekalb County, Georgia

Owner: Kola Bamidele Applicant: Scott West

NPU-W Council District 5

# FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

#### E. PUBLIC HEARING ITEM

06-O-0038 (1) **Z-05-56** 

An Ordinance by Councilmembers Carla Smith and Ivory Lee Young, Jr. to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. (Favorable by Zoning Committee 10/31/07) (Referred back by Council 11/5/07) (Held 12/12/07) (Advertised for a Public Hearing on 12/12/07)

#### HELD

## F. PAPERS HELD IN COMMITTEE

O6-O-0273 (1) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. (Held 2/1/06 for further review)

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#### PAPERS HELD IN COMMITTEE (CONT'D) F.

06-0-0286 (2) Z-06-05

An Ordinance by Zoning Committee to rezone

General-Sector (Residential RG-4-C-HBS from the Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at 2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road.

(Held 3/29/06 for further review)

Depth:

Varies

Area:

Approximately 3.086 Acres

Land Lot:

112, 17th District, Fulton County, Georgia

Owner:

2500 Peachtree Condominium Association. Inc. Applicant: 2500 Peachtree Condominium Association, Inc.

**NPU-C** 

**Council District 8** 

# HELD

06-0-0007 (3) Z-05-65

An Ordinance by Councilmember Carla Smith

as amended by Zoning Committee to rezone the portion of the property located at 1821 W. Anderson Avenue that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. (Held 6/28/06 at the request of Councilmember of the District)

#### HELD

06-0-0022 (4) U-05-22

An Ordinance by Councilmember Carla Smith

to issue a Special Use Permit for a Nursing Home at 1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue); to waive the 2,000 foot distance requirement for this location; and for (Held 6/28/06 at the request of other purposes. Councilmember of the District)

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# F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0955 ( 5) **Z-06-44** 

A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at <u>1155</u> <u>Hill Street, SE</u>, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. (Held 11/1/06 at the request of **District Council Person**)

Depth: Varies

Area: Approximately 8.719 Acres

Land Lot: 55, 14th District, Fulton County, Georgia

Owner: Jack and Harvey Taffel

Applicant: Chaz E. Waters/Skyline Partners, LLC. NPU-Y Council District 1

#### HELD

06-O-1950 ( 6) **z-06-92** 

An **Amended** Ordinance by Zoning Committee to rezone from the R-5 (Single-Family Residential) District to the RG-4 (Residential General-Sector 4) District, property located at **575 Boulevard, SE, (578 Rosalia Street, SE)**, fronting approximately 100 feet on the west side of Boulevard. **(Held 11/1/06 pending CDP Public Hearing)** 

Depth: Varies

Area: Approximately 0.339 Acre

Land Lot: 44, 14th District, Fulton County, Georgia

Owner: Atlanta Decatur Oxford District United

Methodist Church, Bobby A. Jones, Trustee

Chair

Applicant: Jeffrey L. Wilson

NPU-W Council District 1

#### HELD

06-0-1927 (7)

An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning

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#### PAPERS HELD IN COMMITTEE (CONT'D) F.

purposes. and for other annexations: for process Zoning recommendation by (Forwarded with no Council (Referred back bv Committee 9/13/06) 12/04/06) (Held 12/13/06 for further review)

#### HELD

07-0-0396 (8) CDP-07-09

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at 349 14th Street, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. (1<sup>st</sup> Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant) Council District 2 NPU-E

#### HELD

07-0-0148 (9) Z-06-138

An Ordinance by Zoning Committee to rezone from the C-2 the MRC-3 (Commercial Service) District to Residential-Commercial) District, property located at 349 14th Street, NW, fronting approximately 134 feet on the south side of 14th Street, at the southwest corner.

Approximately 152 Feet Depth: Approximately 0.47 Acre Area:

149, 17th District, Fulton County, Georgia Land Lot:

Julian W. Rikard Owner: Applicant: Michael Gamble

(Held 3/28/07 at the request of the applicant) Council District 2 NPU-E

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# F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1445 (10) **Z-06-74** 

An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at <u>3700 Martin Luther King</u>, <u>Jr. Drive</u>, <u>SW</u>, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. (Held 5/2/07 at the request of Councilmember of the District)

Depth: Varies

Area: Approximately 27 Acres

Land Lot: 15, 14th District, Fulton County, Georgia

Owner: Atlanta Neighborhood Development Partnership

Applicant: Marvin Greer

NPU-H Council District 10

#### **HELD**

06-O-2308 (11) **z-06-113** 

An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at <u>863 Ponce de Leon (rear)</u>, <u>NE</u>, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. (Filed by ZRB and Zoning Committee 5/20.07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)

Depth: Approximately 74 Feet Area: Approximately 0.861 Acre

Land Lot: 17, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Robert T. Budd Applicant: Kevin A. Ross

NPU-N Council District 2

#### **HELD**

07-O-0389 (12) **Z-07-24**  An Ordinance by Zoning Committee to amend Ordinance 04-O-2076/Z-04-127 which amended Z-03-85 which rezoned property from the RG-2 (Residential General-Sector 2) District to the PD-H (Planned-Development-Housing) District, property located at **201 Moury Avenue**, **SE** for the purpose of a Site Plan Amendment. (Held 6/27/07)

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# F. PAPERS HELD IN COMMITTEE (CONT'D)

Owner:

Villages at Carver, LLC.

Applicant:

James R. Bailey

**NPU-Y** 

Council District 1

#### **FAVORABLE**

07-O-1524 (13) **Z-07-40** 

An Ordinance by Councilmember Joyce Sheperd to rezone from the R-4 (Single-Family Residential) district to the R-4A (Single-Family Residential) District, property located at 1623, 1619, 1615, 1609, 1603,1599, 1595, 1589, 1585, 1579, 1575, 1573, 1569 and 1559 Langston Avenue, SE, fronting approximately 716.50 feet on the west side of Langston Avenue. Property is located approximately 150 feet on north of the intersection of Langston Avenue and Katherwood Drive. (Held 8/29/07 for further review)

Depth:

Varies

Area:

Approximately 6.03 Acres

Land Lot:

121, 14<sup>th</sup> District, Fulton County, Georgia Brian Turner, President Southern Saw

Owner:

Applicant: David N. Hauseman

NPU-X

Council District 12

#### HELD

07-O-1910 (14) **Z-07-99**  An Ordinance by Councilmember Carla Smith to rezone the properties located at <u>760 Confederate Avenue</u>, <u>also known as 766 Confederate Avenue and 750 Confederate Avenue</u> from the R-5 (Two Family Residential District) District to the C-1-C (Community Business District Conditional); to modify the Official Zoning Maps; and for other purposes. (Held 11/28/07)

# ZONING COMMITTEE MINUTES WEDNESDAY, DECEMBER 12, 2007 PAGE EIGHT

# F. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1888 (15) CDP-06-65 An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at 3700 Martin Luther King, Jr. Drive, SW, from the "Medium Density Residential" Land Use Designation to the "Mixed-Use" Land Use Designation; and for other purposes. (Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)

NPU-H

Council District 1

#### HELD

07-O-2300 (16) **CDP-07-42** 

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at <u>760</u> Confederate Avenue, from the "Low Density Residential" Land Use Designation to the "Low Density Commercial" Land Use Designation; and for other purposes. (Held 11/13/07) (CDP Amendment Public Hearing was held on 11/26/07) (Favorable by CD/HR Committee 11/27/07)

NPU-W

Council District 1

#### HELD

There being no further business to come before the Zoning Committee the meeting was adjourned at 1:30 noon.

Respectfully submitted:

Angela H. Campbell, Legislative Secretary

Steve Tam, Research & Policy Analyst

The Honorable Joyce Sheperd, Vice Chair